

REMARKS

Claim 7 is objected to because of informality. Claim 7 has been amended to correct the typographical error. Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al. (US Patent No. 5,414,717) hereinafter "Matsumoto". Page 2 of the office action references Matsumoto col. 7, lines 14-26 and col. 8, lines 17-18 as disclosing Applicants' limitation of "logic circuitry coupled to the buffer, the logic circuitry having a transmission status of a transmitter as an input and outputting instructions for a NAK generator to generate NAKs based on the transmission status of the transmitter". Applicants respectfully disagree. There is no mention in Matsumoto of a NAK generator or of instructions for a NAK generator to generate NAKs based on the transmission status of the transmitter. Matsumoto mentions only a NAK register 14 to transmit RSP.

Claims 1-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto further in view of Shiroshita et al. (US Patent No. 5,892,894) hereinafter Shiroshita. Claim 1 has been amended to clarify that when a NAK needs to be transmitted over a channel, the method of negative acknowledgment (NAK) suppression first determines whether data or other channel information currently needs to be transmitted over the channel, and if so, the NAK is buffered in favor of transmitting the data or channel information. Specifically, the limitations of claim 1 have been amended to recite: determining that a NAK needs to be transmitted over a channel; determining if data or other channel information currently needs to be transmitted over the channel; and transmitting the NAK over the channel if data and other channel information does not need to be transmitted over the channel, otherwise buffering the NAK. Neither Matsumoto, nor Shiroshita, alone or in combination, disclose the method of claim 1 as amended.

On page 4 of the office action, the Examiner states that Matsumoto teaches determining that a NAK needs to be transmitted and determining if data or other channel information currently needs to be transmitted over a channel. On page 5 of the Office Action it is admitted that Matsumoto fails to disclose

Applicants' limitation of "transmitting the NAK if data and other channel information does not need to be transmitted." Shiroshita et al. col. 7, lines 15-18, is cited as teaching this limitation. Shiroshita discloses that a server notifies a terminal 300-3 that it is in a poor performance state and interrupts data transmission to the poor performance terminal until it completes data transmission to the normal terminals (i.e., terminal not in a poor performance state).

It is stated that in view of this teaching of Shiroshita it would be obvious to transmit the NAK if data and other channel information does not need to be transmitted over the channel because "the server 100 carries out the retransmission of the unreceived data with respect to terminal 300-3 which is in the poor performance state (step S205) (Shiroshita et al. col. 7, lines 26-29)." Applicants respectfully disagree. The cited passage of Shiroshita has nothing to do with transmitting a NAK over a channel when there is no data or other channel information to transmit over the channel. The cited passage when read in its entirety merely addresses when the server will retransmit data that was not received by the terminal in the poor performance state – i.e., when data transmission to the normal terminals is completed.

At col. 7, lines 5-15, Shiroshita states that "when the server 100 judges the terminal 300-3 as a poor performance terminal during the acknowledge receiving (step S201), the server 100 records the fact that the terminal 300-3 is in a poor performance state at the terminal state management unit 106 (step S202). At the same time, the unreceived packet number sequence contained in the negative acknowledge from the terminal 300-3 is recorded into the re-transmission management table 1041 of the re-transmission management unit 104. Here, if the negative acknowledge is also not received, all the packets are recorded as unreceived packets." Hence Shiroshita discloses that the terminal in the poor performance state transmits a negative acknowledgment (containing the unreceived packet number sequence) to the server when it fails to receive a packet. There is no mention or suggestion in Shiroshita that before the poor performance terminal transmits the negative acknowledgment, it first determines whether there is data or other channel information to send. Thus, Applicants

submit that claim1 is patentable over the combination of Matsumoto and Shiroshita.

Regarding claim 4, page 8 of the office action states that Matsumoto discloses Applicants' limitation of "transmitting the NAKs currently buffered along with the NAK if the predetermined number of NAKs have been buffered, otherwise buffering the NAK." Applicants respectfully disagree. Matsumoto does not disclose buffering a number of NAKs and transmitting the NAKs over the communication channel if a predetermined number of NAKs have been buffered. Matsumoto merely discloses that the RSP control circuit delivers NAK data stored in the NAK register after detecting the EOD. Thus, Applicants submit that Matsumoto and Shiroshita combined do not disclose all limitations of claim 4

Based on the foregoing amendments and remarks, Applicants submit that independent claims 1, 4 and 7 are allowable and dependent claims 2, 3, 5, 6, 8 and 9 are allowable by virtue of their dependency on claims 1, 4 and 7, respectively. Applicant requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,
Vukovic, Ivan, et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: **22917**

By: /Lalita W. Pace/

Lalita W. Pace
Attorney for Applicant
Registration No.: 39,427
Telephone: 847-538-5855
Fax: 847-576-3750